

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MELVIN HUDNALL

v.

JIM PAYNE, *et al.*

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CIVIL ACTION NO. 6:14cv133

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case, has been presented for consideration. The Report and Recommendation (docket no. 152) recommends that Defendants' Motion to Dismiss (docket no. 126) be granted and that the Intervenor's Motion to Withdraw Motions to Intervene (docket no. 130) be denied. No written objections have been filed. Accordingly, the findings and conclusions of the Magistrate Judge are adopted. It is therefore

ORDERED that the Motion to Dismiss (docket no. 126) is **GRANTED**. The complaint is **DISMISSED WITH PREJUDICE**. The dismissal is without prejudice to the re-filing of Plaintiff's claims in an appropriate state court within sixty days of entry of this Order. It is further

ORDERED that Intervenor's Motion to Withdraw Motions to Intervene (docket no. 130) is **DENIED**.

All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 12th day of January, 2015.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE